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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,424	09/29/2000	Mark N. Wegman	YOR920000465US1	5710

33233 7590 09/26/2003

LAW OFFICE OF CHARLES W. PETERSON, JR.
P.O. BOX 710627
OAK HILL, VA 20171

EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 09/26/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/676,424

Applicant(s)

WEGMAN ET AL.

Examiner

LeChi Truong

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,11-13 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,11-13 and 18-20 is/are rejected.
- 7) ☐ Claim(s) 3-10,14-17 and 21-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 3-10, 14-17, 21-25 are objected.
2. Claims 1,2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibe et al (US. Patent 6,437,804).

As to claim 1, Ibe teaches a communication graph (graph, col 2, ln 35-68/col 6, ln 1-46), a task (network devices, col 2, ln 35-67/ col 4, col 31, ln 23-67), nodes (node, col 2, ln 35-67col 5, ln 64-67 to col 6, ln 1-46), edges (edges, col 2, ln 35-67col 5, ln 64-67 to col 6, ln 1-46), the edges are being weighed (edges be assigned a weigh, col 6, ln 35-65), dominant edges (anchor nodes, col 2, ln 25-67/col 3, ln 38-47/col 6, ln 1-45/col 9, ln 1-67), a min cut solution (an optimally partitioned graph, col 9, ln 1-35/ the partition scheme, col 2, ln 25-67 to col 3, ln 1-45/ col 5, ln 1-10/col 9, ln 1-67). Ibe does not explicit teach the term placing task components responsive to said min cut solutions. However, Ibe teaches node represent the network device, edges which represent the links and automatically partitioning the graph into domains. It would have been obvious to apply the teaching of Ibe in order to ensure that each agent has a fair share of the traffic.

As to claim 2, Ibe teaches terminal nodes (node, col 2, ln 35-67col 5, ln 64-67 to col 6, ln 1-46), task components (network devices, col 2, ln 35-67/ col 4, col 31, ln 23-67), independent nets (a supernode/ cluster, col 8, ln 1-67), a plurality of terminal nodes (set of nodes, col 8, ln 1-45).

3. Claims 11- 13, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ibe et al (US. Patent 6,437,804) in view of Blainey (Loop Allocation for Optimizing Compiler).

As to a distributed processing system of claim 11, refer to the rejection of claim 1. Further, Ibe does not explicitly teach a computer program as a node. However, Blainey teaches each node in the data graph being associated with one or more statements in the source code segment (page 5, ln 15-20).

It would have been obvious to apply the teaching of Blainey to Ibe in order to optimize the distributed code and then to fuse the code after optimization.

As to claim 12, Ibe teaches independent nets (a supernode/ cluster, col 8, ln 1-67), a plurality of said terminal codes (set of nodes, col 8, ln 1-45).

As to claim 13, Ibe teaches collapsing identified dominant edges (collapsing the nodes and edges, col 2, ln 14-22).

As to a computer program product of claim 18, see the rejection of claim 11.

As to a computer program product of claim 19, see the rejection of claim 12.

As to a computer program product of claim 20, see the rejection of claim 13.

4. *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

Fax phone: AFTER_FINAL faxes must be signed and sent to: (703) 746-2738, OFFICIAL faxes must be signed and sent to: (703) 746-7239, NON OFFICIAL faxes should not be signed, please send to: (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 9000.

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LeChi Truong
September 17, 2003

A handwritten signature in black ink, appearing to be 'JF', written over a faint horizontal line.

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100